

REMARKS

This Amendment and the following remarks are intended to fully respond to the final Office Action mailed July 3, 2007. In the Office Action, the following rejections are made: claims 35 and 36 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter; claims 1-18, 21-24 and 35-38 are rejected under 35 U.S.C. § 102(e) as being anticipated by Alaluf (US 2004/0230958); claims 28-32 are rejected under 35 U.S.C. § 102(e) as being anticipated by Vasilik et al. (USPN 6922827); and claims 19, 25-27, and 34 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Alaluf in view of Vasilik et al. Reconsideration of these rejections, as they might apply to the original and amended claims in view of these remarks, is respectfully requested.

In this Response, claims 1, 8, and 35-38 are amended. Support for the amendments is found in canceled claim 2, as well as at page 15, lines 4-23. Claims 2 and 21-34 are canceled. Claims 1, 3-20, and 35-38 remain pending.

Claim Rejections – 35 U.S.C. § 101

Claims 35 and 36 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. This rejection is respectfully traversed. Claims 35-38 are amended to recite a computer readable storage medium, as discussed during the Interview. In light of these amendments, the section 101 rejection is now moot. Applicants reserve the right to pursue transmission media claims in the future.

Claim Rejections – 35 U.S.C. § 102

Claims 1-18, 21-24 and 35-38

Claims 1-18, 21-24 and 35-38 are rejected under 35 U.S.C. § 102(e) as being anticipated by Alaluf (US 2004/0230958). Applicants respectfully traverse this rejection. A *prima facie* case of anticipation is established only where the reference teaches each and every aspect of the claimed invention. See MPEP §§ 706.02 & 2136. Under 35 U.S.C. § 102, a reference must show or describe each and every element claimed in order to anticipate the claims.

For the following reasons, Alaluf fails to teach or suggest accessing a configuration file including a data structure that maps respective file types of the plurality of file types to respective build providers of a plurality of build providers, wherein a new build provider is

registered by updating the data structure of the configuration file to include a new entry that maps a new file type to the new build provider, as recited in claim 1.

As noted in the Action, Alaluf discloses that the .Net Compiler 320 is programmed to include several compilers configured to accept source code from different programming languages, such as C++, VB, Pascal, etc. (Alaluf, [0003]-[0004] and [0033]). However, Alaluf does not teach or suggest a data structure that maps respective file types of a plurality of file types to respective build providers of a plurality of build providers. Instead, Alaluf is silent with respect to how the .Net Compiler 320 identifies source code written in different program languages to be compiled by the compilers of the .Net Compiler 320. Alaluf simply discloses that the .Net Compiler 320 has the capability to compile multiple types of source code using different compilers, but does not describe how this is accomplished.

Further, Alaluf fails to disclose that a new build provider is registered by updating the data structure of the configuration file to include a new entry that maps a new file type to the new build provider, as recited in claim 1. Alaluf is silent with respect to how a new build provider could be added to the .Net Compiler. As such, Alaluf fails to anticipate this limitation of claim 1.

Thus, claim 1 is allowable over Alaluf. Similar limitations are included in independent claim 8 (accessing a configuration file including a data structure that maps respective file types of the plurality of file types to respective build providers of a plurality of build providers, wherein a new build provider is registered by updating the data structure of the configuration file to include a new entry that maps a new file type to the new build provider) and independent claim 35 (association means for associating a build provider with each respective file of a plurality of files in accordance with a respective file type that corresponds to the respective file, and for registering a new build provider by updating the data structure of the configuration file to include a new entry that maps a new file type to the new build provider). For at least similar reasons, independent claims 8 and 35 are also allowable. Claims 2-7, 9-18, and 36-38 depend from either claim 1, 8, or 35 and thus, for at least the same reasons as stated above, are allowable over the cited reference. Applicants respectfully request that the Examiner issue a notice of allowance for these claims.

Claims 28-32

Claims 28-32 were rejected under 35 U.S.C. § 102(e) as being anticipated by Vasilik et al. (USPN 6922827). Applicants respectfully traverse the § 102(e) rejections because either the Examiner has failed to state a *prima facie* case of anticipation.

Vasilik fails to teach or suggest a method that is adapted to indicate a language used by the code that is part of the file, as recited by claim 28. The Action identifies column 2, lines 54-67 and column 4, line 58 through column 5, line 16 as disclosing such a limitation. However, these sections simply disclose that Vasilik's system is programmed to build different types of target files from different source file types. However, Vasilik fails to teach or suggest a method that is adapted to indicate a language used by the code that is part of the file. At no point do the cited portions of the reference make a determination as to the type of language that is used by part of the code. The only determinations Vasilik makes are whether the application has been previously compiled, and if so whether there have been any modifications to the code that would require a recompilation of the application.

For at least this reason, Vasilik fails to teach or suggest all of the limitations of claim 28. Applicants respectfully request that the Examiner issue a notice of allowance for these claims.

Claim Rejections – 35 U.S. C. § 103

Claims 19, 25-27, and 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Alaluf in view of Vasilik et al. Applicants respectfully traverse these rejections as the Office Action establishes a *prima facie* case of obviousness in light of the references. A *prima facie* case of obviousness can only be established when all of the following requirements are met: (1) there must be some suggestion or motivation in the references themselves to combine the references; (2) there must be a reasonable expectation of success; and (3) the reference or combination of references must teach or suggest all the claim limitations. See MPEP §§ 706.02(j) and 2143.

With regard to claim 19, the cited references fail to teach or suggest the first entry maps the first file type to the first built provider, the second entry maps the second file type to the second build provider, and the third entry maps the third file type to the third build provider. The Action concedes that Alaluf is silent with respect to this limitation. Vasilik simply discloses a rule set 105 that includes “prioritized build rules.” These build rules prioritize the manner in

which the build is conducted (see column 3, line 53 through column 4, line 3 of Vasilik), but fail to map file types to a particular builder, as required by claim 19.

Claim 20 depends from claim 19 and, thus, is allowable for at least the same reasons. For at least the forgoing reasons, Applicants believe that the claims are allowable. Applicants respectfully request that the Examiner issue a notice of allowance for all claims.

Conclusion

This Amendment fully responds to the Office Action mailed on July 3, 2007. Still, that Office Action may contain arguments and rejections that are not directly addressed by this Amendment due to the fact that they are rendered moot in light of the preceding arguments in favor of patentability. Hence, failure of this Amendment to directly address an argument raised in the Office Action should not be taken as an indication that the Applicant believes the argument has merit. Furthermore, the claims of the present application may include other elements, not discussed in this Amendment, which are not shown, taught, or otherwise suggested by the art of record. Accordingly, the preceding arguments in favor of patentability are advanced without prejudice to other bases of patentability.

Additionally, the Commissioner is hereby authorized to charge any additional fees as set forth in §§ 38 CFR 1.16 to 1.18 which may be required for entry of these papers or to credit any overpayment to Deposit Account No. 13-2725.

In light of the above remarks and amendments, it is believed that the application is now in condition for allowance and such action is respectfully requested. Should any additional issues need to be resolved, the Examiner is requested to telephone the undersigned to attempt to resolve those issues.

Respectfully submitted,
MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date: November 5, 2007

/Robert A. Kalinsky/
Name: Robert A. Kalinsky
Reg. No.: 50,471